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Federal Communications Commission
Office of the Secretary

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FORERUNNER INDUSTRIES, INC.

March 6, 2003

Michael K. Powell
C/o FCC

RE: RELAXING THE RULES AND COPYRIGHT INFRINGEMENT

Dear Mr. Powell

There is an aspect of the ownership rules that no one at your committee has thought of and I am already a victim of it... a victim whose family is literally about to be put out in the street because of the change in ownership rules that already exists, and here's why

I was a composer for 17 years working mainly in television. One of the shows I wrote the music for was called REMINGTON STEELE which was produced at that time by M T M Productions. After its initial run on NBC it has continued to be aired somewhere throughout the world continuing right up to today

Beginning in 1987 and continuing for the next three years the show was aired 1905 on what was then called The Family Channel, which was owned by the Christian Broadcast Network owned by the televangelist, Oral Roberts.

When The Family Channel first began broadcasting it neglected (either intentionally or negligently) to have signed licensing agreements with ASCAP (the American Society of Composers, Authors and Publishers), BMI (Broadcast Music Incorporated) and SESAC in order to obtain the right to broadcast the music contained in the various shows, commercials and specialty music.

For years: those three societies fought with the CBN (the Christian Broadcast Network) eventually ending up in a federal Rate Court to determine what it would pay for blanket licenses from the three societies so it could broadcast music on its station. The problem was that even when the agreement was finally entered into it was not grandfathered back to day one.

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So, for many years (including the three that Remington Steele aired) it was infringing on the copyrights of many composers **like** myself, thereby denying us a veritable fortune in performance royalties we were entitled to receive for the broadcasting of our music

A few years ago I found out about this and tried to get CBN to pay me the money it owed for those performances but they refused. What I eventually learned **was** that they had sold the Family Channel to **Fox Family Worldwide**, a division of 20th Century **Fox** and Rupert Murdoch's **News Corp.** **After** a number of refusals from **FOX** for payment of my missing royalties I filed suit, myself, because I could not afford a lawyer. Eventually, a friend's law firm agreed to take on the case on a contingency basis

But prior to that what I learned was that before purchasing the Family Channel, FOX had purchased **M.T.M.** Productions and, in **particular** and among many other shows, Remington Steele. Soon after that **Fox** also purchased the family channel.

So now what I am faced with is a situation where the infringer of my copyrights may also be considered the owner of them by the courts and, as such, invulnerable to lawsuit with the result being that my family and I are out millions of dollars in royalties that were never **paid** to me **and** now may never **be** paid to me.

What I also discovered during this time was that back in 1948 the studios (of which **FOX** was one) were **sued** by **ASCAP** and the **U.S.** government for antitrust issues. The reason being was that the studios in those days owned the distribution outlets for their films. i.e. the movie houses. But they were refusing to **pay** the performance royalties the composers were entitled to for the performances of the films containing their music. The result was that it was determined that there were antitrust issues involved in the studios continuing to own the product, i.e. the films, as **well** as the distribution outlets. i.e. the movie theaters and by so owning them, **infringing on the** copyrights by refusing to pay for the performances of the films in their own theaters. The end **result** was that the studios were forced to divest themselves **of** the ownership of the theaters and prevented from buying them ever again...or so it was believed at the time.

Slowly **but** surely, the studios, and the **U.S.** government have ignored the ruling in the cases from **1948** and the antitrust **laws** and have allowed the studios to own movie theaters and then radio stations and then **tv** stations.

And now you are considering allowing them to own even more maybe an unlimited amount.

Already the fact that the studios own tv stations has resulted in my current lawsuit (and I am only the first one). They already own the product and while they can continue to be paid for the use of their product, we the creators of the music (along with the screenwriters, the actors, the directors, etc.) will be literally screwed out of our rightful share of the performances of that product by the studios

Nearly every composer and screenwriter **I know** relies almost entirely on their royalties to live **as** the **upfront fees** (while **good** in some circumstances) for **most of** us, **is** not enough to support a family, especially **when** working in **television**. And now, with **the** studios being allowed to own the distribution outlets and perhaps the Courts allowing them by that ownership to ignore the Copyright laws as well as their contracts with the creative community. the creative community, **as** a **whole**, will be irreparably damaged to **the** point of where they may one day **be** no creative **community** of any **real** value or number

No one at your committee has ever even **considered** this aspect of the ownership issue **I** am in Court **now** trying to insure that despite your stupidity and ineptitude, my family and I will **be** permitted to receive **what** we deserve, what **I** worked my entire adult life to achieve

I hope you will broaden your horizons beyond your own pocketbooks and that of your buddies looking no further than their next election and the need for contributions to buy ad space on the very tv stations you're **so** easily bandying about. Because there **are** hundreds **of** thousand. if not millions, of us out here who have already begun to pay a very dear price **for** your greed and turning of a blind eye to the needs of the whole as opposed to the greed of **a** few. **A** price that ends with **my** electricity, phones and gas being turned off this week and my family's **eviction** next week and **a** cardboard **box** being the only home **we** may ever know again.

Sincerely,

Rich Warren
CEO